

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

November 17, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF#06OD-210

Oahu

Consent to Assign General Lease No. S-5123, Floyd A. Miller, Jr., Trustee of the Floyd Miller Revocable Trust, dated January 16, 1998, Assignor, to Mark David Melen, Assignee, Fort Ruger, Diamond Head, Honolulu, Oahu, Tax Map Key: (1) 3-1-042:portion of 14

APPLICANT:

Floyd A. Miller, Jr., Trustee of the Floyd Miller Revocable Trust, dated January 16, 1998, as Assignor, to Mark David Melen, unmarried, whose business and mailing address is 449 Roosevelt Way, San Francisco, California 94114, as Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION AND AREA:

Portion of Government lands situated at Diamond Head, Honolulu, Oahu, identified by Tax Map Key: (1) 3-1-042:portion of 14, consisting of approximately 3,056 square feet, as shown on the attached maps labeled Exhibits "A" and "B".

AREA:

3,056 square feet, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES ☐ NO ☒

CHARACTER OF USE:

Right, privilege, and authority to use, occupy and maintain portions of a dwelling for residence purposes plus other improvements now constructed on the premises.

TERM OF LEASE (EASEMENT):

50 years, commencing on August 11, 1986, and expiring on August 10, 2036. There are no rental reopenings.

ANNUAL RENTAL:

Not Applicable. One time payment of \$25,000 was made on April 28, 1986.

CONSIDERATION:

\$10.00

RECOMMENDED PREMIUM:

Not applicable as the lease does not allow for a premium.

DCCA VERIFICATION:

Not applicable. Assignor and Assignee are individuals landowners and, as such, are not required to register with DCCA.

REMARKS:

At its meeting on August 24, 1984, under item F-10, as amended, the Land Board authorized a fifty (50) year non-exclusive easement to William A. Barlow for residential purposes. Over the years, the Board has consented to several assignments of this easement. The most recent assignment was approved on July 30, 2004, under item D-23, from James T. Posner, Trustee of the James T. Posner Trust 2001, dated October 9, 2001, to Floyd A. Miller, Trustee of the Floyd Miller Revocable Trust, dated January 16, 1998.

Mark David Melen is purchasing the abutting property (TMK: (1) 3-1-35:14), which is served by the easement. Mr. Melen can successfully maintain the easement area. Mr. Melen has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

The Assignor is compliant with all the easement terms and conditions. There is no history of any default on this easement.

This easement has no liability insurance requirement. Therefore, staff is recommending the Assignee provide liability insurance coverage naming the State of Hawaii as additionally insured.

No agency or community comments were solicited. There are no pertinent issues or concerns regarding this consent to assignment.

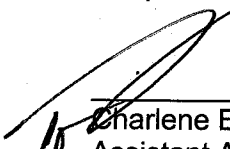
November 17, 2006

RECOMMENDATION:

That the Board consent to the assignment of General Lease No. S-5123 from Floyd A. Miller, Jr., Trustee of the Floyd Miller Revocable Trust, dated January 16, 1998, as Assignor, to Mark David Melen, as Assignee, subject to the following:

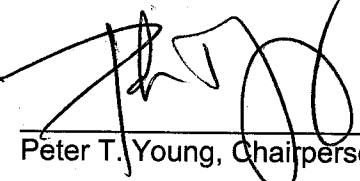
1. Liability insurance coverage;
2. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
3. Review and approval by the Department of the Attorney General; and
4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

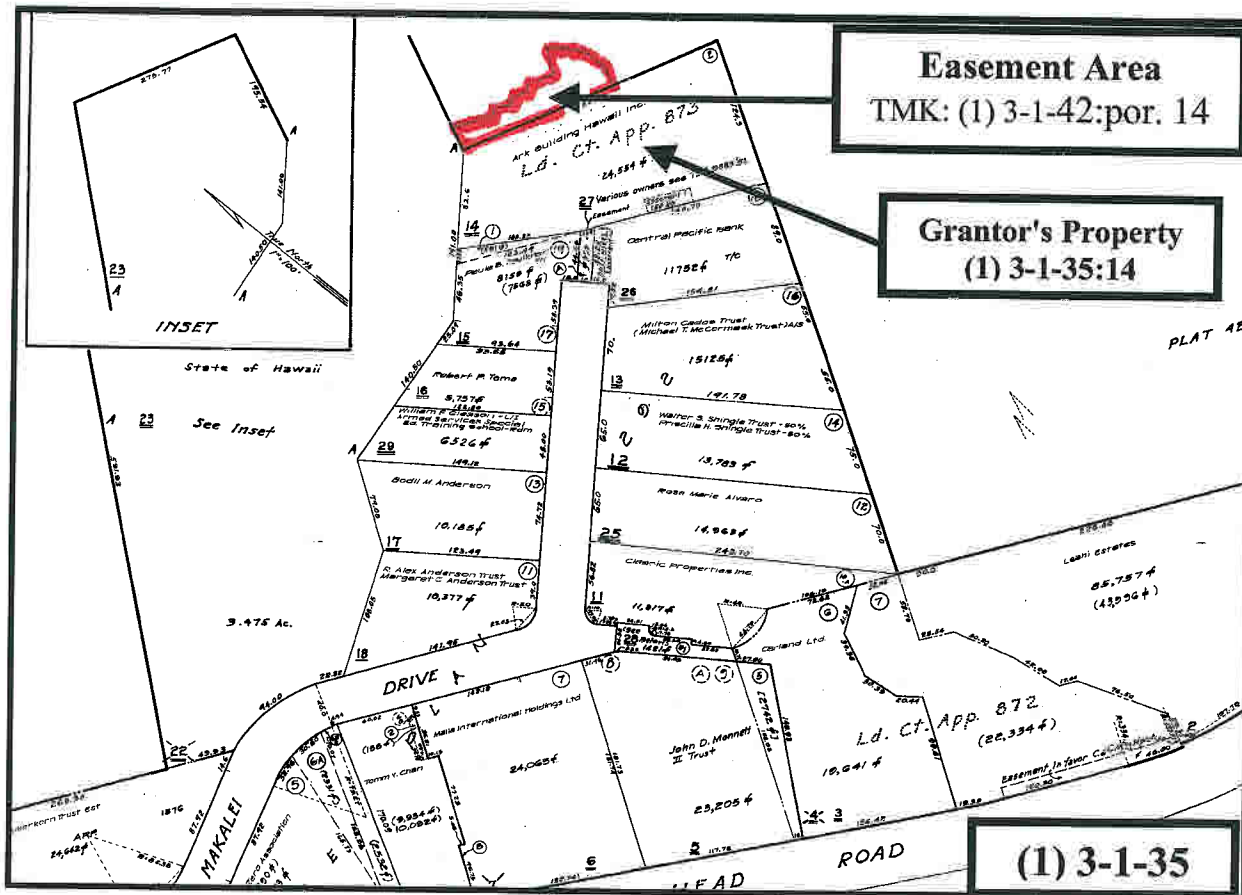
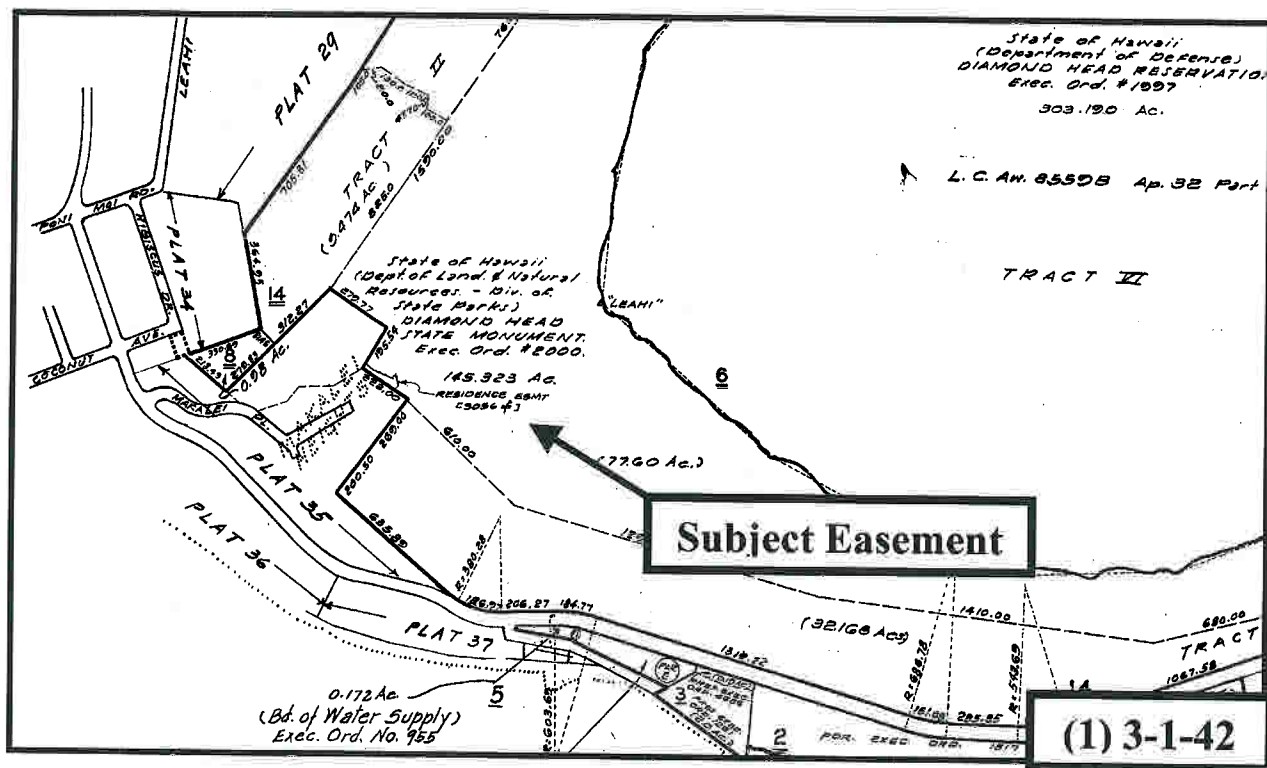
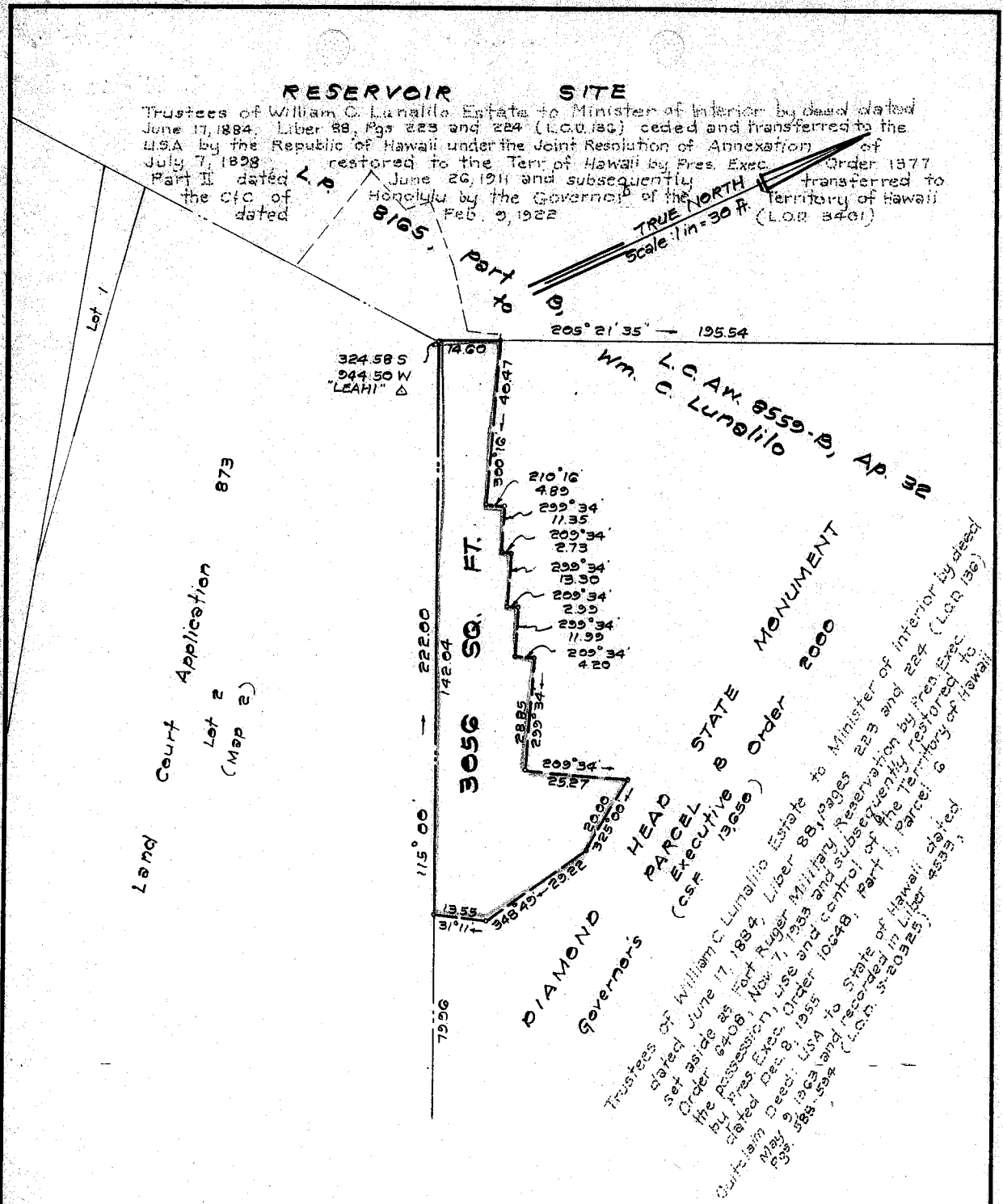


EXHIBIT "A"



JOB 0-295 (84)
C. BK Hasegawa P. 138

TAX MAP 3-1-42

C. S. F. No. 20, 187

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

EXHIBIT "B"

STH Apr 25, 1985